

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
v. : Crim. No. 07-856 (DMC)
ARTHUR GILBERT :
and ALBERT GILBERT : ORDER

This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey (Kathleen P. O'Leary, Assistant U.S. Attorney, appearing) and by defendants Arthur Gilbert (K. Anthony Thomas, AFD, appearing) and Albert Gilbert (Michael G. Paul, Esq., appearing) for relief requested pursuant to pre-trial motions filed by defendants Arthur Gilbert and Albert Gilbert (hereinafter, the "defendants"); and having considered such motions at a hearing held on May 22, 2008; and for good and sufficient cause shown,

IT IS HEREBY ORDERED that the motion filed on behalf of the defendants to dismiss the Superseding Indictment be and hereby is DENIED; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants to preclude testimony of pre-trial identifications be and hereby is DENIED; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants for severance be and hereby is DENIED; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants, in the alternative, for bifurcation be and hereby is

GRANTED; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants to preclude expert testimony concerning the practices of street-level heroin dealers be and hereby is DENIED; and


IT IS FURTHER ORDERED that the motion filed on behalf of the defendants to compel the Government to preserve and produce rough notes be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants to compel the Government to comply with its obligations pursuant to Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and the Jencks Act be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the Government produce impeachment material pursuant to Giglio v. United States, 405 U.S. 150 (1972), and Jencks Act material by 10:30 a.m. on May 30, 2008; and

IT IS FURTHER ORDERED that the motion filed on behalf of the defendants to compel the Government to disclose evidence it seeks to introduce pursuant to Rule 404(b) of the Federal Rules of Criminal Procedure be and hereby is GRANTED in as much as the Government is required to provide such notice ten (10) days before trial; and

IT IS FURTHER ORDERED that the motion filed on behalf of the Government for reciprocal discovery be and hereby is GRANTED.



HONORABLE DENNIS M. CAVANAUGH
United States District Judge